

EXHIBIT “I”

Page 50

1 BY MR. BEGAKIS:

2 Q Mr. Hernandez, you do know that you are under

3 oath, correct?

4 A Absolutely.

5 MR. BERMAN: Objection. Argumentative. Asked

6 and answered.

7 BY MR. BEGAKIS:

8 Q When did you start Colonize Media?

9 A I believe around 2016.

10 Q I've actually got one more question about

11 La Sema and Yellowcake.

12 You never told Jose Hernandez (sic) that you

13 thought the artists that Yellowcake -- or that Hyphy

14 represented were dumb and wouldn't understand the

15 royalty numbers?

16 MR. BERMAN: Objection. Irrelevant. Lacks

17 foundation. Assumes a fact not in evidence.

18 Mischaracterization. Vague. Misleading.

19 And you can answer.

20 THE WITNESS: Jose Hernandez?

21 Hold on. I'm confused. So I would tell myself

22 that?

23 BY MR. BEGAKIS:

24 Q I apologize.

25 You never told Jose Martinez that artists

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1 represented by Hyphy Music were dumb and wouldn't

2 understand the royalty numbers?

3 MR. BERMAN: Objection.

4 Please note my prior objections, Ms. Reporter.

5 Same objection.

6 THE WITNESS: That is absolutely not true. I

7 would never stoop myself to the level of Mr. Martinez.

8 BY MR. BEGAKIS:

9 Q When you started Colonize Media, did you have

10 any partners?

11 A Mr. Berger.

12 Q Okay. So when you formed the company from the

13 beginning, Mr. Berger was your partner?

14 A I think so.

15 Q How did that -- what did -- what kind of

16 conversation did you have with Mr. Berger about starting

17 a company with him?

18 MR. BERMAN: Objection. Vague. And also

19 assumes a fact not in evidence and lack of foundation.

20 THE WITNESS: I can't recall exactly details.

21 But at the time, Mr. Berger and I had created a really

22 good rapport and he helped a lot. I -- so it just came

23 natural, I guess.

24 He -- he was helping me way too much, and I

25 needed more help. So he was a natural person and -- to

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1 be my partner. And he -- I'm glad that he also has been

2 helping me, and I'm glad I picked him as a partner.

3 BY MR. BEGAKIS:

4 Q Where did the name Colonize Media come from?

5 MR. BERMAN: Objection. Irrelevant.

6 You can answer.

7 THE WITNESS: So I was trying to trademark

8 DH1 Media. And we hired a law firm out of San Francisco

9 to help us create the trademark.

10 However, when we did the global due diligence

11 for the trademark, it turned out that there was another

12 company with a similar name and similar classifications

13 as the trademark that we wanted to create. So I got the

14 bad news that we had to change the name from DH1 Media

15 to any other name.

16 So after tons of research, days of looking for

17 thousands of names, just looking and looking -- at the

18 time, Mr. Berger, again, he was involved and we're

19 friends, and we just looked for thousands of names.

20 Nothing was available.

21 And then one day, I was watching a -- I believe

22 it was either a YouTube video or documentary about Elon

23 Musk. And I believe this is when Falcon 9, I think, was

24 being created or was already created. And he was

25 talking about colonizing Mars and colonizing space. And

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1 I thought, wow, Colonize Media, colonizing your digital

2 space, Colonize, you know.

3 So I thought that could be a good name, but,

4 for sure, it must be taken. But I went to GoDaddy. I

5 checked if Colonize Media.com was taken, and it wasn't.

6 I purchased it right away. I messaged Mr. -- I

7 think I messaged or called Mr. Berger, told him about

8 the name, and we pushed it on to our legal counsel, and

9 they did the research.

10 It turns out that nobody had the name and we

11 could trade-market it with it just so. And that's how

12 it became Colonize Media.

13 Q Did you have any investors when you started

14 Colonize Media?

15 A No.

16 Q What was your initial cap -- initial capital

17 contribution to the company?

18 MR. BERMAN: Objection. Lacks of foundation.

19 Assumes a fact not in evidence. Irrelevant.

20 THE WITNESS: I can't recall. I don't

21 remember.

22 BY MR. BEGAKIS:

23 Q You don't remember how much money you put into

24 the company bank account?

25 A No, I don't.

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1 MR. BERMAN: Objection. Assumes a fact not in
 2 evidence. Misleading. Vague.
 3 THE WITNESS: Not that I recall.
 4 BY MR. BEGAKIS:
 5 Q Who is Isaias Gonzalez; and Isaias is spelled
 6 I-s-a-i-a-s?
 7 A The only Isaias Gonzalez I know of, it's a
 8 gentleman who owns a record label. I think it's called
 9 Discos Arpeggio.
 10 Q Did you do any business with Discos Arpeggio?
 11 A No.
 12 Q Did you do any business with Mr. Gonzalez
 13 individually?
 14 A No.
 15 Q Do you owe Mr. Gonzalez any money?
 16 A No.
 17 MR. BERMAN: Objection. Irrelevant. Asked and
 18 answered. Misleading. Mischaracterization. Assumes a
 19 fact not in evidence. Lack of foundation.
 20 BY MR. BEGAKIS:
 21 Q Has Mr. Gonzalez made any complaint, formal or
 22 informal, that you owe him money?
 23 MR. BERMAN: Objection. Vague. Irrelevant.
 24 Lack of foundation. Assumes a fact not in evidence.
 25 Mischaracterization. Misleading. Asked and answered.

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1 Argumentative.
 2 You can answer.
 3 THE WITNESS: Not that I know.
 4 BY MR. BEGAKIS:
 5 Q Are you aware that all these individuals I just
 6 listed are prepared to testify under oath that you owe
 7 them money?
 8 MR. BERMAN: Objection. Argumentative. Lack
 9 of foundation. Assumes a fact not in evidence.
 10 Mischaracterization. Misleading. Speculative.
 11 Argumentative. Asked and answered. Compound question.
 12 You can answer.
 13 THE WITNESS: I absolutely do not know that,
 14 and I don't believe that they would.
 15 BY MR. BEGAKIS:
 16 Q Okay. Well, we'll see about that.
 17 MR. BERMAN: Objection. Argumentative.
 18 I'm going to ask you, Mr. Begakis, to stop
 19 making comments to my client. You're clearly trying to
 20 intimidate him on the record, and it's inappropriate.
 21 BY MR. BEGAKIS:
 22 Q Do you consider Mr. Berger a friend?
 23 A Absolutely.
 24 Q Is he a good business partner?
 25 A He's a great --

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1 MR. BERMAN: Objection to form.
 2 But you can answer.
 3 THE WITNESS: He's a very good business
 4 partner.
 5 BY MR. BEGAKIS:
 6 Q How often would you say you and Mr. Berger talk
 7 about Yellowcake business?
 8 MR. BERMAN: Objection to form. Relevancy.
 9 But you can answer.
 10 THE WITNESS: Whenever it's relevant, not --
 11 BY MR. BEGAKIS:
 12 Q Say, once a week, twice a week, five times a
 13 week?
 14 A Depending on what we're doing at the time. I
 15 wouldn't be able to tell you.
 16 Q How often do you talk about Colonize business
 17 with him?
 18 A Every now and then, whenever it's relevant.
 19 Q What's Yellowcake's contractual relationship
 20 with Colonize?
 21 A We have a distribution agreement.
 22 Q Okay. What are the terms of that distribution
 23 agreement, generally?
 24 MR. BERMAN: Objection. Note my objection.
 25 Vague and lacks foundation and irrelevant.

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1 THE WITNESS: There's a term, I know that. And
 2 we do distribution and monetization. We distribute to
 3 all platforms on behalf of Yellowcake.
 4 BY MR. BEGAKIS:
 5 Q Okay. For purposes of this deposition, would
 6 you understand if I refer to this as an
 7 administration -- administrator agreement?
 8 A Yes.
 9 Q Or an admin agreement?
 10 A An admin agreement, yeah, I think you could
 11 call it that.
 12 Q Is that an accurate description of what it is,
 13 essentially an admin agreement?
 14 MR. BERMAN: Objection to form. Vague.
 15 THE WITNESS: Did you say adamant or admin?
 16 BY MR. BEGAKIS:
 17 Q Admin.
 18 A I believe so, yes.
 19 Q So Colonize is basically the admin company for
 20 Yellowcake, right?
 21 A The distributor, yes.
 22 Q Okay. What type of royalty does Colonize
 23 receive to distribute Yellowcake's music?
 24 MR. BERMAN: Objection. Relevancy. Lacks
 25 foundation. Assumes a fact not in evidence.

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1 Irrelevant. Misleading and a compound question.
2 But you can answer.
3 THE WITNESS: I think it's a zero. Like, you
4 mean, like, how much money Colonize makes from
5 Yellowcake?
6 BY MR. BEGAKIS:
7 Q How much money does Colonize receive to
8 distribute -- when Colonize distributes music and
9 receives funds from the distribution of that music, what
10 percentage does Colonize take?
11 MR. BERMAN: Objection. Vague. Lack of
12 foundation. Assumes a fact not in evidence.
13 Misleading. Asked and answered.
14 But you can answer.
15 THE WITNESS: Zero, I think.
16 BY MR. BEGAKIS:
17 Q Does Colonize Media receive any funds at all
18 under that agreement?
19 A Under that agreement?
20 MR. BERMAN: Objection to form. Vague. Asked
21 and answered.
22 But you can answer.
23 THE WITNESS: Under that agreement?
24 I think, no.
25 ///

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1 BY MR. BEGAKIS:
2 Q Does it receive funds under any other agreement
3 from Yellowcake?
4 MR. BERMAN: Objection. Relevancy.
5 THE WITNESS: No, I don't think so.
6 BY MR. BEGAKIS:
7 Q Does Colonize receive any funds at all
8 whatsoever from Yellowcake?
9 MR. BERMAN: Objection. Asked and answered.
10 Relevancy.
11 THE WITNESS: I don't think so, no.
12 BY MR. BEGAKIS:
13 Q So you -- so Colonize distributes Yellowcake's
14 music for free?
15 MR. BERMAN: Objection. Asked and answered.
16 Argumentative and -- sorry -- irrelevant.
17 THE WITNESS: As I mentioned before, yeah, zero
18 percent.
19 BY MR. BEGAKIS:
20 Q Okay. Does it receive anything of value, money
21 or otherwise, to distribute Yellowcake's music?
22 MR. BERMAN: Objection. Vague. Compound
23 question. Irrelevant. Asked and answered.
24 But you can answer.
25 THE WITNESS: Can you define what would be

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1 considered, "anything of value"?
2 BY MR. BEGAKIS:
3 Q Anything of value, like, say, a gardener, or
4 office rent, or paper in the copier, anything of value?
5 MR. BERMAN: Relevant -- relevancy. Vague.
6 Asked and answered.
7 You can answer.
8 THE WITNESS: Yeah, I think so.
9 BY MR. BEGAKIS:
10 Q What does it receive?
11 MR. BERMAN: Objection. Relevancy.
12 THE WITNESS: I don't think we receive anything
13 of value. I think we get some stuff of value, like,
14 Yellowcake bears, like, HR and certain other things.
15 BY MR. BEGAKIS:
16 Q What other things?
17 A I think, like, gardener, building; I think
18 those are some of the things. I'm not absolutely sure.
19 I'm not -- I don't pay those bills. I don't take care
20 of that.
21 Q So Mr. Berger lets you use his office that he
22 owns, in exchange for distributing his music for free?
23 MR. BERMAN: Objection. Relevancy. Lack of
24 foundation. Assumes a fact not in evidence.
25 Mischaracterization. Misleading. Asked and answered.

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1 THE WITNESS: That is not what I said, and I'm
2 not sure how to even answer that.
3 I don't understand the question.
4 BY MR. BEGAKIS:
5 Q Do you think it's a good deal for Colonize to
6 distribute Yellowcake music for free and not receive
7 anything else of value, other than an HR person and
8 gardener?
9 MR. BERMAN: Objection. Argumentative.
10 Irrelevant. Asked and answered.
11 THE WITNESS: Is that a question, or you're
12 making comments?
13 BY MR. BEGAKIS:
14 Q No, it's a question.
15 Do you think it's a good deal?
16 MR. BERMAN: Objection. Argumentative. Vague.
17 Asked and answered.
18 THE WITNESS: Yeah, it is a great deal.
19 BY MR. BEGAKIS:
20 Q Why?
21 MR. BERMAN: Objection. Irrelevant.
22 Argumentative. Asked and answered.
23 THE WITNESS: I think it is a great deal.
24 BY MR. BEGAKIS:
25 Q Why?

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1 remember exactly how I got these particular assets.
2 BY MR. BEGAKIS:
3 Q What type of metadata does the software you use
4 track?
5 A Um...
6 MR. BERMAN: Objection. Well, lack of
7 foundation. Assumes a fact not in evidence.
8 You can answer.
9 THE WITNESS: Whatever we input into the
10 software. So if we input the name -- the album name,
11 artist name, ISRC, UPC, so it tracks analytics, once
12 they come back from the DSP.
13 BY MR. BEGAKIS:
14 Q Okay. Does the software track information,
15 like, who logs on to the software every day?
16 A Um, at an account level, yes.
17 Q Okay. So if I wanted to look at the software's
18 metadata and see who logged onto it on the day that the
19 music at issue in this case was uploaded, I would be
20 able to find that out?
21 A I'm not sure in this particular -- I'm not
22 sure, because the software -- I think we were still in
23 beta.
24 So I think who logged in and who logged out was
25 added later on. I wouldn't be able to tell you. I

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1 would have to circle back on that.
2 Q Okay. We'll leave a space open in the
3 deposition for you to provide that information.
4 Requested Information:
5 _____
6 _____
7 _____
8 _____
9 BY MR. BEGAKIS:
10 Q Under the version of the software now -- I'm
11 not talking about the beta version, but under the
12 version of the software now -- would it track a sound
13 recording asset that's been uploaded to the software but
14 is still pending before it's been distributed to the
15 DSPs?
16 MR. BERMAN: Objection to the form. Vague.
17 You can answer, if you understand.
18 THE WITNESS: The version, as it stands today,
19 on August 17, 2022, I believe, yes, as it stands today,
20 going forward.
21 BY MR. BEGAKIS:
22 Q When did that version come into existence and
23 begin to be used by Colonize?
24 A I don't have the exact date.
25 Q Who were the individuals in your office who

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1 developed the software?
2 A So between Matt Davis in the office -- yeah,
3 Matt Davis, Jeremy Paulson. I did some work on it as
4 well.
5 Q But who did the coding? Who wrote the coding?
6 MR. BERMAN: Objection to form. Vague.
7 THE WITNESS: It was either between Josh and
8 Matt, I believe.
9 BY MR. BEGAKIS:
10 Q Okay. What other sort of user behavior does
11 the software now track?
12 A Well, just those basics we mentioned, like,
13 log-in; who logged in, who logged out. Yeah, uploads.
14 Q When files have been uploaded, when they've
15 been distributed?
16 A That, we can track IP address, et cetera.
17 Q Okay. Is there a name for the software?
18 A No, no, there isn't.
19 Q Has it been licensed to anybody else?
20 A No.
21 Q Has it been sold to anybody else?
22 A No, not that I remember, at least.
23 Q Okay. Who paid for the software to be
24 developed?
25 A Colonize did.

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1 Q How many employees does Colonize Media have?
2 A I don't know. I think around -- could be
3 around 15, I believe, at this point, at this moment.
4 I'm not sure.
5 Q When you testified earlier that Yellowcake
6 handles HR, that's what they handle, the employment of
7 these individuals who work for Colonize?
8 A Yes.
9 MR. BERMAN: Objection to form.
10 THE WITNESS: I believe so.
11 BY MR. BEGAKIS:
12 Q Okay. What type of due diligence do you do
13 generally, before you upload an asset and distribute it?
14 MR. BERMAN: Objection to form. Lacks of
15 foundation. Assumes a fact not in evidence.
16 Mischaracterization. Misleading. Vague. Speculative
17 and argumentative.
18 THE WITNESS: Um, can you please be more
19 specific as to either me, the individual, or Colonize,
20 or what -- who -- what due diligence?
21 BY MR. BEGAKIS:
22 Q Well, okay, you're here in your capacity as the
23 person most knowledgeable for Colonize, so that's the
24 specificity there. I'll be more specific with the due
25 diligence.

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1 So are you aware of what Mr. Berger testified
 2 yesterday?
 3 You were in the deposition yesterday. You
 4 testified that you viewed that deposition. So I'm
 5 asking you, are you aware that Mr. Berger testified
 6 yesterday that he directed you to review copyright
 7 records of works that Yellowcake owned?
 8 MR. BERMAN: Objection. Vague, as the witness
 9 testified he does not understand the question. It's a
 10 compound question. Mischaracterizes prior testimony
 11 from another deposition, to which this individual is not
 12 the deponent. Lacks of foundation. Assumes a fact not
 13 in evidence.
 14 BY MR. BEGAKIS:
 15 Q And by the way -- and by the way,
 16 Mr. Hernandez, we can bring you back for your individual
 17 deposition, too. You can play this game with me, but
 18 I'm just asking you a question, which you are free to
 19 answer. And I'm going to stay on it until I get an
 20 answer to it, as to what you were directed to do to
 21 research copyright records. So I'm just asking a
 22 question about what you viewed yesterday.
 23 Are you aware that Mr. Berger directed --
 24 testified yesterday that he would direct you to conduct
 25 a search of copyright records for any Yellowcake works?

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1 MR. BERMAN: Once again, I'm going to ask you
 2 not to make threatening statements directly to the
 3 witness, my client. I'm going to ask you to stop.
 4 And once again, your question has been asked
 5 and answered. It's vague. It's a compound question.
 6 It mischaracterizes prior testimony in another
 7 deposition. It lacks foundation and assumes facts not
 8 in evidence.
 9 BY MR. BEGAKIS:
 10 Q You can answer, Mr. Hernandez.
 11 A I'll answer to the best of my ability, based on
 12 this question. I feel like it's a mixed-up question.
 13 In general, for Yellowcake, when there is some
 14 sort of due diligence for any acquisitions having
 15 nothing to do with Colonize Media, and depending on the
 16 context and in the situation, we, myself, am asked to go
 17 to the -- to do some research on the copyrights, yes.
 18 Q Okay. And I see where this is going, so I'm
 19 going to break this down for you.
 20 Are you an employee of Yellowcake?
 21 A No.
 22 Q Are you an employee of Colonize Media?
 23 A Yes.
 24 Q Are you an employee of any other companies that
 25 Mr. Berger owns?

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1 A No.
 2 Q So any work that you did to research artists on
 3 behalf of Yellowcake would be rendered by you
 4 individually?
 5 A No.
 6 Q Who would it be rendered by?
 7 A I don't -- I don't understand your question.
 8 Q Would you be rendering -- if Yellowcake asked
 9 you to do research on an artist, would you be rendering
 10 those services as an employee, in your capacity as an
 11 employee for Colonize?
 12 MR. BERMAN: Objection. Vague. Compound
 13 question. Lacks foundation. Assumes a fact not in
 14 evidence.
 15 But you can answer, if you understand.
 16 THE WITNESS: I believe -- I think so.
 17 BY MR. BEGAKIS:
 18 Q Okay. Great.
 19 So then everything that I ask today, with
 20 respect to anything that you have done to research
 21 artists on behalf of Yellowcake, was done as an employee
 22 of Colonize.
 23 And so you are here today as a PMK for
 24 Colonize, and you can answer those questions, correct?
 25 MR. BERMAN: No, no. Objection. Okay.

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1 Mischaracterizes testimony. Argumentative. Lacks
 2 foundation. Assumes a fact not in evidence.
 3 Misleading. And asked and answered.
 4 You can clarify your answer, Mr. Hernandez. Go
 5 ahead.
 6 THE WITNESS: You're definitely
 7 mischaracterizing what I'm saying, because at the time
 8 when this happened, I was a co-owner of Yellowcake. So
 9 your question is confusing as to where I was, what
 10 capacity I was, at the time.
 11 At the time, I was a co-owner of Yellowcake.
 12 So for this particular case, we're talking about this
 13 sound recording. I did it under the capacity of a
 14 co-owner of Yellowcake.
 15 BY MR. BEGAKIS:
 16 Q Are you -- are you expecting that today you are
 17 going to testify that you are not prepared to answer any
 18 questions regarding anything that you did in your
 19 capacity as a co-owner of Yellowcake? Is that the plan?
 20 MR. BERMAN: Objection. Argumentative.
 21 MR. BEGAKIS: Because I'll just stop now and
 22 we'll re-notice this deposition for another day, if
 23 that's the spin.
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 22 we'll re-notice this deposition for another day, if
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 25 being argumentative and badgering him at this point.

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1 Q Okay. And you said, we're going -- how about
 2 if we buy those rights from you?
 3 MR. BERMAN: Objection. Mischaracterizes the
 4 testimony. Vague.
 5 But you can answer.
 6 THE WITNESS: Not only just in conversation.
 7 As the relationship developed, and we were very
 8 satisfied with the work, you know, just in conversation,
 9 said, hey -- I might have said, hey, would you like to
 10 sell your assets.
 11 And they -- obviously, they were, like, yeah,
 12 we would like to.
 13 And we came to terms and we did it.
 14 BY MR. BEGAKIS:
 15 Q What were the terms?
 16 A That we would buy the initial albums for X
 17 amount of money. I can't remember.
 18 Q If I said 400,000, would that refresh your
 19 recollection?
 20 A No, not at all.
 21 MR. BERMAN: Objection. Lacks foundation.
 22 Assumes a fact not in evidence. There's no document in
 23 front of the witness.
 24 THE WITNESS: No, those initial albums were
 25 definitely not purchased for that amount.

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1 I can't recall, but it seems like a really high
 2 amount.
 3 BY MR. BEGAKIS:
 4 Q More than a hundred thousand?
 5 A Could have been. I'm not a hundred percent
 6 sure.
 7 Q More than 200,000?
 8 A I'm not sure.
 9 Q So possibly between a hundred thousand and
 10 400,000?
 11 MR. BERMAN: Objection. Asked and answered.
 12 Lacks foundation. Assuming a fact not in evidence.
 13 Misleading.
 14 THE WITNESS: I'm honestly not sure. I
 15 don't -- I haven't seen the document in forever, but I
 16 don't know.
 17 BY MR. BEGAKIS:
 18 Q Okay. So you purchased those initial albums.
 19 When did you then have a conversation, in your
 20 capacity as a co-owner of Yellowcake, about purchasing
 21 the album at issue in this case?
 22 A So to my understanding Chavez, Sr., just like
 23 Chavez, Jr., did, had an oral agreement with -- but in
 24 this case, Mr. Chavez, Sr., had an oral agreement with
 25 other parties in the distribution of his albums, with

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1 the main intent of selling physical copies in WalMarts
 2 and swap meets.
 3 Q That doesn't answer my question. That's not
 4 the question I asked.
 5 I asked, when did you have a conversation,
 6 first have a conversation, with Chavez, Sr., about
 7 distributing the rights at issue in this case?
 8 MR. BERMAN: Objection.
 9 Hold on.
 10 Objection to form.
 11 And can you please read back the question,
 12 actually.
 13 (The question was read as follows:)
 14 "Q I asked, when did you have a
 15 conversation, first have a conversation,
 16 with Chavez, Sr., about distributing the
 17 rights at issue in this case?"
 18 MR. BERMAN: I'm just trying to clarify for the
 19 record, when you say "distributing," are you asking in
 20 context of Colonize or --
 21 MR. BEGAKIS: I'll withdraw the question. I'll
 22 withdraw the question.
 23 BY MR. BEGAKIS:
 24 Q In your capacity as a co-owner of Yellowcake at
 25 the time, when did you first discuss with Chavez, Sr.,

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1 about purchasing the rights and the works at issue in
 2 this case?
 3 A I don't remember the exact date.
 4 Q Year?
 5 A It could have been 2018.
 6 Q Okay. How many conversations with Chavez, Sr.,
 7 did you have about purchasing the rights to the works at
 8 issue in this case?
 9 A I'm not sure how many conversations we had.
 10 Q An approximate?
 11 A I couldn't tell --
 12 MR. BERMAN: Asked and answered. Calls for
 13 speculation.
 14 THE WITNESS: I couldn't tell you, because we
 15 were also friends. So I -- I was -- we hung out a few
 16 times.
 17 BY MR. BEGAKIS:
 18 Q Okay. Can you estimate? Less than 10
 19 conversations?
 20 A Possibly, possibly less than 10.
 21 Specifically about acquiring the assets?
 22 Q Yeah, specifically about acquiring the assets
 23 and potentially discussing the terms of that
 24 arrangement, less than five conversations?
 25 A Probably be safer if it's less than 10, I

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1 past hour?

2 A No.

3 Q There's nobody in the room?

4 A No.

5 Q Are you capable of moving your camera so you

6 can confirm that for me?

7 A Sure.

8 Want me to do a 360?

9 Q Please.

10 A Okay. If my computer gets disconnected, I

11 apologize.

12 All right. If I keep turning right, I might

13 disconnect something.

14 Is that fine?

15 Q That's fine.

16 A How about here, spin it the other way around.

17 Q Has that been the case for the last hour that

18 we've been talking?

19 A Yes.

20 Q Okay.

21 MR. BERMAN: I just want to clarify for the

22 record that Mr. Hernandez actually turned his computer

23 around, 360 around the room, and there's nobody in the

24 room with him.

25 ///

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1 BY MR. BEGAKIS:

2 Q All right. So when you received the stems from

3 Mr. Rosales and/or some other place, who uploaded them

4 into the software?

5 A We don't upload stems. We upload final .wav

6 files.

7 Q Okay. If Mr. Rosales sent you stems, how would

8 you get from stems to a final .wav file?

9 A You wouldn't, unless it was in there. I don't

10 recall if we got final .wav files from a thumb drive or

11 hard drive or from CDs, yeah.

12 Q So you had -- so you would have had to have

13 received the final .wav file from somebody via a hard

14 drive, a thumb drive, or a CD, in order to upload these

15 works into your system, correct?

16 A Yes.

17 Q When that happened, assuming that it did, who

18 was the one who would have uploaded those final .wav

19 files into the software?

20 A I think the final ones were me. If I didn't

21 upload everything, it could have been somebody else

22 under my instruction in the office. But I think I

23 uploaded those as .wav files.

24 Q Did you have images for those albums at the

25 time that you uploaded the .wav files?

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1 A At the time, there were images. But if I

2 recall, Mr. Berger didn't want anything to do with Hyphy

3 Music's artwork or anything, because there was some

4 recordings or some artworks with the Hyphy Music logo.

5 And he specifically requested that we created brand-new

6 artworks for those.

7 Q So did you upload the .wav files and the new

8 artwork at the same time?

9 A I don't recall. The .wav files might have been

10 sitting in our system for a while. We could have

11 sent -- we could have done some -- a number of things.

12 But as I recall right now, they could have just been

13 sitting there.

14 Q Do you know if the version of the software at

15 the time this happened would tell me how long the .wav

16 files were sitting in the system before you provided

17 artwork?

18 A No.

19 Q That's convenient.

20 MR. BERMAN: Objection. Improper statement to

21 the witness.

22 BY MR. BEGAKIS:

23 Q All right. So when you uploaded these .wav

24 files through your software, did you receive a strike

25 from any of the DSPs?

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1 A No, we have not received any strikes in

2 connection -- in connection with any of these works.

3 Q I apologize. I'm probably using the wrong

4 term.

5 Did you receive any notification from the DSP

6 that these works were already in existence on their

7 platform?

8 A I believe we got something from YouTube.

9 Q And that would be what you would call a

10 conflict, right?

11 A A conflict, yes.

12 Q Okay. So you received a conflict from YouTube?

13 A Yes.

14 Q Okay. And that would have been because the

15 works were already on YouTube, correct?

16 A Because there were probably duplicate sound

17 recordings on YouTube.

18 Q Okay. But it wasn't -- I'm trying to make sure

19 it wasn't the other way around.

20 It was, you guys uploaded these works and then

21 received a conflict because those works already were

22 online?

23 A It's not that we received -- like, us

24 receiving. They just popped. Like, there's a

25 notification that there's conflicts.